

SIKKIM

GOVERNMENT

GAZETTE



**EXTRAORDINARY
PUBLISHED BY AUTHORITY.**

Gangtok**Wednesday 9th September 2009****No. 354**

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No. 107/HOME/2009**Dated: 12.08.2009**

NOTIFICATION

WHEREAS, the Ministry of Environment and Forests, Government of India, New Delhi has formulated a draft Guidelines on the basis of the meeting of the Chief Secretaries held on 30th March 2009 chaired by the Principal Secretary to Prime Minister in New Delhi, for finalization and establishment of an Authority to be known as " State Compensatory Afforestation Fund Management and Planning Authority"(hereinafter referred to as State-CAMPA) in the States mainly for the purpose of management of money towards the Compensatory Afforestation, Net Present Value and any other money recoverable in pursuance of the Hon'ble Supreme Court's order in this regards and in compliance of the conditions stipulated by the Central Government while according approval under Forest (Conservation) Act 1980 for non-forestry uses of the forest land;

AND WHEREAS, the Hon'ble Supreme Court in its order dated 10th July 2009 in I.A. No.2143 concerning to the W.P.(C) 202/1995 has directed to the Central Government to notify the Guidelines together with the structure of the State-CAMPA as prepared by the Ministry and subsequently as recommended by the Central Empowered Committee for its implementation in the respective States;

AND WHEREAS, the State Government has been directed by the Ministry vide their letter No. 28th April 2009 and subsequent letter No. 5-1/2009-FC (Pt) dated 9th June 2009 and recent DO letter No.1-58/09/MoS/IC/E & F dated 15th July 2009 to establish the "State Compensatory Afforestation Fund Management and Planning Authority" (State - CAMPA) in the State of Sikkim also by notification in the Official Gazette and thereby putting in place a funding mechanism for enhancing the forest and tree cover by utilizing the funds currently available with the Ad-Hoc CAMPA in the Ministry.

AND WHEREAS, the State Government considers it necessary and expedient to constitute the "State Compensatory Afforestation Management and Planning Authority (State - CAMPA) as per the directives of the Central Government for its effective implementation towards the promotion of conservation, protection and management of forests and wildlife in a manner as prescribed under the Guidelines;

NOW THEREFORE, in pursuance of the directives of the Government of India, the State Government hereby constitutes the "State Compensatory Afforestation Fund Management and Planning Authority" (**State-CAMPA**) with effect from the date of publication of this order in the Official Gazette.

2. The State-CAMPA shall consist of the following chairperson and members and shall function through a Governing Body, a Steering Committee and an Executive Committee, namely:-

(1) THE GOVERNING BODY:

- | | | |
|--------|---|--------------------|
| (i) | Hon'ble Chief Minister | - Chairperson. |
| (ii) | Minister of Forests, Environment and Wildlife Management Department | - Vice Chairperson |
| (iii) | Minister of Finance | - Member |
| (iv) | Minister of Planning | - Member |
| (v) | Chief Secretary | - Member |
| (vi) | Principal Secretary (Finance) | - Member |
| (vii) | Development Commissioner, Planning/ NECAD | - Member |
| (viii) | Chief Wildlife Warden | - Member |
| (ix) | Principal Chief Conservator of Forest-cum- Secretary | - Member Secretary |

(2) THE STEERING COMMITTEE:

- | | | |
|--------|---|----------------------|
| (i) | Chief Secretary | - Chairperson |
| (ii) | Principal Chief Conservator of Forest-cum- Secretary | - Member |
| (iii) | Principal Secretary (Finance) | - Member |
| (iv) | Development Commissioner, Planning/ NECAD | - Member |
| (v) | Chief Wildlife Warden | - Member |
| (vi) | Nodal Officer (FCA) | - Member |
| (vii) | A Representative of Ministry of Environment and Forest | - Member |
| (viii) | Two eminent NGOs (to be nominated by the State Government for a period of 2 Years at a time who shall be eligible for re-nomination)
(a) WWF –Incharge Sikkim Branch Gangtok
(b) P.G.Bhutia, President Kanchendzonga Conservation Committee | - Member
- Member |
| (ix) | Addl. Principal Chief Conservator of Forest (Planning and Administration) | - Member Secretary |

(3) The EXECUTIVE COMMITTEE:

- | | | |
|-------|--|---------------|
| (i) | Principal Chief Conservator of Forest-cum- Secretary | - Chairperson |
| (ii) | Chief Wildlife Warden | - Member |
| (iii) | Addl. Principal Chief Conservator of Forest (Planning/Admn.) | - Member |
| (iv) | Financial Controller/Financial Adviser in the O/o the Principal Chief Conservator of Forest -cum-Secretary | - Member |

- (v) Two eminent NGOs to be nominated by the State Government for a period of 2 years at a time who shall be eligible for re-nomination
 - (a) Shri. S. Lama, (Retd. Secretary,FS&ADD) - Member
 - (b) Shri. G.Sharma, President the Mountain Institute, Gangtok - Member
- (vi) Nodal Officer (FCA) - Member Secretary

3. THE POWERS AND FUNCTION OF THE GOVERNING BODY

The Governing body shall lay down the broad policy framework for the functioning of State Level CAMPA and review its working from time to time.

4. THE POWERS AND FUNCTIONS OF THE STEERING COMMITTEE

The Steering Committee shall;

- (i) lay down and/ or approve rules and procedures for the functioning of the body and its Executive Committee, subject to the overarching objectives and core principles of State-CAMPA.
- (ii) monitor the progress of the utilization of funds released by the State CAMPA;
- (iii) approve the Annual Plan of Operation (APO) prepared by the Executive Committee;
- (iv) approve the annual reports and audited accounts of the State-CAMPA;
- (v) ensure inter-departmental coordination
- (vi) meet at least once in six months,

5. The Executive Committee shall;

- (i) take all steps for giving effect to the State-CAMPA and overarching objectives and core principles, in accordance with rules and procedures approved by the Steering Committee and the approved APO;
- (ii) prepare the APO of the State for various activities, submit it to the Steering Committee before end of December for each financial year, and obtain the Steering Committee's concurrence for release of funds, while giving break –up of the proposed activities and estimated costs;
- (iii) Supervise the works being implemented in the State out of the funds released from the State CAMPA;
- (iv) be responsible for proper auditing of both receipt and expenditure of funds;
- (v) develop the code for maintenance of the account at the implementing agency level;
- (vi) submit reports to the Steering Committee for review/consideration, and
- (vii) prepare Annual Report by end June for each financial year.

6. ESTABLISHMENT OF A STATE CAMPA FUND

(1) The State Government may establish a Special Fund to be called as "State- CAMPA Fund" and there shall be credited into the Account:-

- (i) amount transferred to it by the Ad-hoc CAMPA;

(ii) receipt of all monies from user agencies towards compensatory Afforestation, additional compensatory Afforestation, penal compensatory Afforestation, Net Present Value (NPV), Catchments Area Treatment Plan or any money of conditions stipulated by the Central Government while according approval under the provisions of the Forest (Conservation) Act, 1980;

(iii) the unspent funds already realized by States from user agencies and not transferred yet to the Ad-hoc Compensatory Afforestation Fund Management and Planning Authority for crediting into the Fund by respective States;

(iv) the funds recoverable from user agencies in cases where forest land diverted falls within the protected areas, that is, areas notified under section 18,26A or 35 of the Wildlife (Protection) Act, 1972 for undertaking activities relating to the protection of biodiversity and wildlife, which would be maintained under a separate head; and

(v) Net Present Value of the forest land diverted for non-forestry purposes, collected under the Forest (Conservation) Act, 1980 and the rules and the guidelines made thereunder and in pursuance of the judgment of the Hon'ble Court dated the 29th October 2002 from user agencies. And

(2) The State Government may also credit to the State CAMPA;

- (a) grants or aid received if any;
- (b) any loan taken by the Authority or any borrowing made by it; and
- (c) any other sums received by the Authority by way of benefaction, gift or donations.

(3) The monies received in the State-CAMPA shall be kept in interest-bearing account(s) in nationalized bank(s) and periodically withdrawn for the works as per the Annual Plan of Operations (APOs) approved by the Steering Committee.

7. UTILIZATION OF THE MONEY:

The money available with the State-CAMPA shall be utilized for meeting:

- (i) expenditure towards the development, maintenance and protection of forests and wildlife management as per the approved APO;
- (ii) the non-recurring as well as recurring expenditure for the management of the State-CAMPA, including the salary and allowances payable to its officers and other employees, by utilizing a part of the income from interest received by on funds invested by State-CAMPA, but excluding income from funds recoverable from the user agencies in cases where forest land diverted falls within the protected areas, that is, areas notifies under sections 18, 26 A or 35 of the Wildlife (Protection) Act, 1972 for undertaking activities related to protection of biodiversity and wildlife;
- (iii) the expenditure incurred on monitoring and evaluation subject to overall ceiling of 2% of the amount to be spent every year; and
- (iv) disbursement on such other projects related to forest conservation.

8. DISBURSEMENT OF FUNDS;

- (1) The money received for Compensatory Afforestation, additional compensatory Afforestation; Penal compensatory Afforestation, Catchments Area Treatment Plan and for any other site specific

scheme may be used as per site –specific schemes submitted by the State along with the approved proposals for diversion of forest land under the Forest (Conservation) Act , 1980.

(2) After receipt of the money, State-CAMPA shall accomplish the Afforestation for which money is deposited in the Compensatory Afforestation Fund within a period of one year or two growing seasons after project completion, as may be appropriate.

(3) The money received on account of Net Present Value (NPV) shall be used for natural assisted regeneration, forest management, protection, infrastructure development, wildlife protection and management, supply of wood and other forest produce saving devices and other allied activities.

(4) Monies realized from the user agencies in pursuance of the Hon'ble Supreme Court's orders or decision taken by the National Board for Wildlife involving cases of diversion of forest land in protected areas shall form a distinct corpus and shall be used exclusively for undertaking protection and conservation activities in protected areas of the State.

(5) State-CAMPA shall release monies to the field officers in predetermined installments as per the Annual Plan of Operation (APO) finalized.

9. ACCOUNTING PROCEDURE

(1) State –CAMPA shall prepare, in such form and at such time in each financial year as may be prescribed, its budget for the next financial year, showing the estimated receipts and expenditure of the State-CAMPA.

(2) State-CAMPA shall adopt financial regulations and procedures, in particular the procedure for approval and implementing the APO.

(3) State-CAMPA shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed in consultation with the Accountant General concerned.

(4) The accounts of the State-CAMPA shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Accountant General.

(5) The Accountant General and any other person appointed by him in connection with the audit of the accounts of the State-CAMPA shall have the same rights and privileges and authority in connection with such audit as the Accountant General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the State-CAMPA.

(6) The accounts of the State-CAMPA as certified by the Accountant General or any other person appointed by him in this behalf together with the audit report thereon and annual report, shall be forwarded annually to the State Government, the MoE&F, and the Adhoc CAMPA by the State-CAMPA.

(7) The State Government and the MoE&F shall have the power to conduct special audit or performance audit of the State-CAMPA.

(8) The Annual Report shall provide, inter alia, for -

- (i) the details of various works done and the amount spent;
- (ii) the details of the amount received by the State-CAMPA from various sources; and
- (iii) the observation made in the audit report.

10. MONITORING AND EVALUATION OF THE WORKS:

(1) An independent system for concurrent monitoring and evaluation of the works implemented in the States utilizing the funds available shall be evolved and implemented to ensure effective and proper utilization of funds.

(2) The National CAMPA advisory council shall have the powers to order special inspection and financial audit of works executed by the State –CAMPA with utilizing CAMPA money.

(3) If satisfied that the funds released are not being utilized properly, the National CAMPA Advisory Council as well as the State level Steering Committee shall have the power to withhold or suspend the release of remaining funds or part thereof.

BY ORDER AND IN THE NAME OF THE GOVERNOR.

N.D.CHINGAPA, IAS
CHIEF SECRETARY
F. No. 516/872/FCA/FEWMD